



PATENT

Case Docket No. OPTIS.039A

Date: October 6, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Bernhard B. Sterling et al.
Appl. No. : 10/055,875
Filed : January 21, 2002
For : REAGENT-LESS WHOLE-
BLOOD GLUCOSE METER
Examiner : Roy Punnoose
Group Art Unit : 2877

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 6, 2004

(Date)

Mark Kertz

Mark J. Kertz, Reg. No. 43,711

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) Supplemental Information Disclosure Statement.
- (X) A PTO Form 1449 with 34 references.
- (X) A check in the amount of \$180 to cover the applicable fees is enclosed.
- (X) Return prepaid postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

Mark Kertz

Mark J. Kertz
Registration No. 43,711
Attorney of Record
Customer No. 20,995
(949) 760-0404



SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant : Bernhard B. Sterling et al.
 App. No. : 10/055,875
 Filed : January 21, 2002
 For : REAGENT-LESS WHOLE-BLOOD GLUCOSE
 METER
 Examiner : Roy Punnoose
 Group Art Unit : 2877

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Enclosed is form PTO-1449 listing 34 references that are also enclosed.

This Supplemental Information Disclosure Statement is being filed before the mailing date of a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under § 1.311. This Statement is accompanied by the fee set forth in 37 C.F.R. § 1.17(p). The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to Account No. 11-1410.

RELATED COPENDING APPLICATIONS (COMMONLY OWNED WITH THE PRESENT APPLICATION)

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title</u>	<u>Inventors</u>	<u>Attorney Docket No.</u>
10/200,384	07/19/02	Reagent-Less Whole-Blood Glucose Meter	Braig et al.	OPTIS.039C1
10/219,625	08/14/02	Device and Method for In Vitro Determination of Analyte Concentrations Within Body Fluids	Braig et al.	OPTIS.039CP1
10/219,627	08/14/02	Device and Method for In Vitro Determination of Analyte Concentrations Within Body Fluids	Braig et al.	OPTIS.039CP2

Appl. No. : 10/055,875
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Docket No. OPTIS.039A
Customer No. 20,995

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title</u>	<u>Inventors</u>	<u>Attorney Docket No.</u>
10/319,409	12/12/02	Pathlength-Independent Methods for Optically Determining Material Composition	Sterling et al.	OPTIS.060A
10/366,540	02/12/03	Method of Determining an Analyte Concentration in a Sample From an Absorption Spectrum	Sterling et al.	OPTIS.060CP1
10/338,061	01/06/03	Cartridge Lance	Rule et al.	OPTIS.078A
10/338,131	01/06/03	Sample Element for Reagentless Whole Blood Glucose Meter	Rule et al.	OPTIS.079A
10/337,226	01/06/03	Layered Spectroscopic Sample Element with Microporous Membrane	Rule et al.	OPTIS.080A
10/824,946	04/15/04	Analyte Detection System	Unknown	OPTIS.086A
10/825,072	04/15/04	Sample Element for Use in Material Analysis	Unknown	OPTIS.089A
10/824,933	04/15/04	Sample Element Qualification	Unknown	OPTIS.100A

Regarding Serial No.10/200,384, its specification and currently-pending claims are set forth in publication no. 2003/0086073, listed in the attached form PTO-1449.

Regarding Serial No. 10/219,625, its specification and currently-pending claims are set forth in publication no. 2003/0086074, listed in the attached form PTO-1449.

Regarding Serial No. 10/219,627, its specification and currently-pending claims are set forth in publication no. 2003/0086075, listed in the attached form PTO-1449.

Regarding Serial No. 10/319,409, its specification and currently-pending claims are set forth in publication no. 2003/0178569, listed in the attached form PTO-1449.

Regarding Serial No. 10/366,540 its specification and currently-pending claims are set forth in publication no. 2004/0019431, listed in the attached form PTO-1449.

Regarding Serial No. 10/338,061, its specification and currently-pending claims are set forth in publication no. 2004/0132167 A1, listed in the attached form PTO-1449.

Regarding Serial No. 10/338,131, its specification and currently-pending claims are set forth in publication no. 2004/0132168 A1, listed in the attached form PTO-1449.

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Customer No. 20,995

Regarding Serial No. 10/337,226, its specification and currently-pending claims are set forth in publication no. 2004/0133084 A1, listed in the attached form PTO-1449.

Regarding Serial No. 10/824,946, a copy of its specification, drawings and currently-pending claims is enclosed herewith.

Regarding Serial No. 10/825,072, a copy of its specification, drawings and currently-pending claims is enclosed herewith.

Regarding Serial No. 10/824,933, a copy of its specification, drawings and currently-pending claims is enclosed herewith.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Oct. 6, 2004

By: Mark Kertz

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FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
OPTIS.039AAPPLICATION NO.
10/055,875INFORMATION DISCLOSURE STATEMENT
BY APPLICANT

(USE SEVERAL SHEETS IF NECESSARY)

APPLICANT
Bernhard B. Sterling et al.FILING DATE
January 21, 2002GROUP
2877

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	1	4,477,190	10/16/84	Liston et al.			
	2	4,948,961	08/14/90	Hillman et al.			
	3	5,371,020	12/06/94	Frischauf			
	4	5,430,542	07/04/95	Shepherd			
	5	5,900,632	05/04/99	Sterling et al.			
	6	6,072,180	06/06/00	Kramer et al.			
	7	6,198,949 B1	03/06/01	Braig et al.			
	8	6,312,888 B1	11/06/01	Wong et al.			
	9	2003/0086073	05/08/03	Braig et al.			07/19/02
	10	2003/0086074	05/08/03	Braig et al.			08/14/02
	11	2003/0086075	05/08/03	Braig et al.			08/14/02
	12	2003/0178569	09/25/03	Sterling et al.			12/12/02
	13	2004/0019431	01/29/04	Sterling et al.			02/12/03
	14	2004/0132167 A1	07/08/04	Rule et al.			01/06/03
	15	2004/0132168 A1	07/08/04	Rule et al.			01/06/03
	16	20040133084 A1	07/08/04	Rule et al.			01/06/03

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	17	WO 01/53806 A1	July 26, 2001	PCT				
	18	WO 03/016882 A1	February 27, 2003	PCT				

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	
	19	Ward et al., "Post-Prandial Blood Glucose Determination by Quantitative Mid-Infrared Spectroscopy," <u>Applied Spectroscopy</u> , vol. 46, no. 6, pp. 959-965 (1992).
	20	Heise et al., "Multicomponent Assay for Blood Substrates in Human Plasma by Mid-Infrared Spectroscopy and its Evaluation for Clinical Analysis," <u>Applied Spectroscopy</u> , vol. 48, no. 1, pp. 85-95 (1994).
	21	McNichols et al., "Optical Glucose Sensing in Biological Fluids: An Overview," <u>Journal of Biomedical Optics</u> , vol. 5, no. 1, pp. 5-9 (January 2000).

EXAMINER	DATE CONSIDERED
*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.	

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
OPTIS.039AAPPLICATION NO.
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EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	
	22	Petibois et al., "Glucose and Lactate Concentration Determination on Single Microsamples by Fourier-Transform Infrared Spectroscopy," <u>Journal of Laboratory and Clinical Medicine</u> , vol. 135, no. 2, pp. 210-215 (February 2000).
	23	USPTO Serial No. 10/200,384; Inventors Braig et al.; Filing Date 07/19/02
	24	USPTO Serial No. 10/219,625; Inventors Braig et al.; Filing Date 08/14/02
	25	USPTO Serial No. 10/219,627; Inventors Braig et al.; Filing Date 08/14/02
	26	USPTO Serial No. 10/319,409; Inventors Sterling et al.; Filing Date 12/12/02
	27	USPTO Serial No. 10/366,540; Inventors Sterling et al.; Filing Date 02/12/03
	28	USPTO Serial No. 10/338,131; Inventors Rule et al.; Filing Date 01/06/03
	29	USPTO Serial No. 10/338,061; Inventors Rule et al.; Filing Date 01/06/03
	30	USPTO Serial No. 10/337,226; Inventors Rule et al.; Filing Date 01/06/03
	31	USPTO Serial No. 10/824,933; Inventors Unknown; Filing Date 04/15/03
	32	USPTO Serial No. 10/824,946; Inventors Unknown; Filing Date 04/15/03
	33	USPTO Serial No. 10/825,072; Inventors Unknown; Filing Date 04/15/03
	34	International Search Report for Application No. PCT/US02/35707 (the PCT counterpart of the present application) (mailed 04/03/03)

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EXAMINER	DATE CONSIDERED
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